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| WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103 | | | PATEL, HARESH N | |
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2154

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,250

Applicant(s)

GOLDICK ET AL.

Examiner

Haresh Patel

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13, 16-20, and 22-27 are presented for examination. Claims 14, 15 and 21 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13, 16-20, and 22-27 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-13, 16-20, and 22-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of Lomet, U.S. Patent No. 5,946,698. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent teaches all the limitations as disclosed such that the interpretation of utilizing application's state dependency information to efficiently perform a

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backup service operation is similar to defining an application object as encompassing an address space of the application and atomically flushing the object to the memory to enable recovery of the application address space following a system crash. The claimed subject matter of claims 1-39 of Lomet et al, U.S. Patent No. 5,946,698 does not specifically mention about using API and dependency information among applications. However, Van Huben et al., 5,920,873, IBM (Hereinafter Van-IBM) discloses the well-known concept of using application programming interface, API (e.g., paragraph 787). Daminin et al., 5,938,775, AT&T (Hereinafter Damani-AT&T) discloses the concept of handling dependency among applications (e.g., usage of transitive dependency tracking, abstract). With the teachings of Van-IBM and Damani-AT&T it would be obvious to one of ordinary skill in the art to include concept of using API and dependency among applications with the claimed subject matter of claims 1-39 of Lomet, U.S. Patent No. 5,946,698. The dependency information between applications would enhance utilizing the dependency information. The API would support handling of software modules. The software modules would help handle information for the system.

4. Claims 1-13, 16-20, and 22-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-59 of Lomet, U.S. Patent No. 5,870,763. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent teaches all the limitations as disclosed such that the interpretation of utilizing application's state dependency information to efficiently perform a backup service operation is similar to defining an application object as encompassing an address space of the application with tracking whether the application object has any flush order

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dependencies with other objects with enforcing a flushing sequence among the application object and the other objects to resolve the flush order dependencies. The claimed subject matter of claims 1-59 of Lomet et al, U.S. Patent No. 5,870,763 does not specifically mention about using API and dependency information among applications. However, Van-IBM discloses the well-known concept of using application programming interface, API (e.g., paragraph 787). Damani-AT&T discloses the concept of handling dependency among applications (e.g., usage of transitive dependency tracking, abstract). With the teachings of Van-IBM and Damani-AT&T it would be obvious to one of ordinary skill in the art to include concept of using API and dependency among applications with the claimed subject matter of claims 1-59 of Lomet, U.S. Patent No. 5,870,763. The dependency information between applications would enhance utilizing the dependency information. The API would support handling of software modules. The software modules would help handle information for the system.

5. Claims 1-13, 16-20, and 22-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-46 of Lomet, U.S. Patent No. 6,067,550. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent teaches all the limitations as disclosed such that the interpretation of utilizing application's state dependency information to efficiently perform a backup service operation is similar to a reference to the application object to identify the application object as a source for the data written to the data object with establishing a flush order dependency between the application object and the data object and usage of logging. The claimed subject matter of claims 1-46 of Lomet et al, U.S. Patent No. 6,067,550 does not

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specifically mention about using API and dependency information among applications.

However, Van-IBM discloses the well-known concept of using application programming interface, API (e.g., paragraph 787). Damani-AT&T discloses the concept of handling dependency among applications (e.g., usage of transitive dependency tracking, abstract). With the teachings of Van-IBM and Damani-AT&T it would be obvious to one of ordinary skill in the art to include concept of using API and dependency among applications with the claimed subject matter of claims 1-46 of Lomet U.S. Patent No. 6,067,550. The dependency information between applications would enhance utilizing the dependency information. The API would support handling of software modules. The software modules would help handle information for the system.

6. Claims 1, 16 and 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of Lomet, U.S. Patent No. 6,151,607.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent teaches all the limitations as disclosed such that the interpretation of utilizing application's state dependency information to efficiently perform a backup service operation is similar to an application object stored in memory and manage flushing of the data object and the application object from the memory to another memory and to detect any dependency between the data and application objects that should be flushed simultaneously. The claimed subject matter of claims 1-6 of Lomet et al, U.S. Patent No. 6,151,607 does not specifically mention about using API and dependency information among applications. However, Van-IBM discloses the well-known concept of using application programming interface, API (e.g., paragraph 787).

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Larsson et al., 5,530,800 (Hereinafter Larsson) discloses the concept of handling dependency among applications (e.g., usage of dependency information among sub-systems, col., 4, line 58 – col., 5, line 26). With the teachings of Van-IBM and Larsson it would be obvious to one of ordinary skill in the art to include concept of using API and dependency among applications with the claimed subject matter of claims 1-6 of Lomet U.S. Patent No. 6,151,607. The dependency information between applications would enhance utilizing the dependency information. The API would support handling of software modules. The software modules would help handle information for the system.

Claim Objections

7. Claims 2-13, 17-20, 23-27 are objected to because of the following informalities:

Claims 2-13 mentions, “A method as recited in claim”, which should be “The method as recited in claim”.

Claims 17-20 mentions, “An API as recited in claim”, which should be “The API as recited in claim”.

Claims 23-26 mentions, “A computer system as recited in claim”, which should be “The computer system as recited in claim”.

Claim 27 mentions, “A method as recited in claim”, which should be “The computer system as recited in claim”.

Appropriate correction is required.

Response to Amendment

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8. The amendment filed 9/3/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. addition of limitations, “dependency information among applications”, in claim 1,
- b. addition of limitations, “dependencies among applications”, in claims 16 and 22.

Applicant is required to cancel the new matter, to avoid abandonment of this application, in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1, 16 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

The specification does not contain subject matter to implement limitations, “dependency information among applications”, as cited in claim 1. Also, page 7, lines 10 – 26 of the specification, clearly states, “an application programming interface (API) dependency module services application dependency information requests concerning certain objects that have dependencies upon a target object. The dependency information is generated in connection with

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an iterative collaboration process between the system and applications. As a result of the collaboration process, applications can communicate their external dependencies to a common software agent, thereby maintaining a table or list of information relating to applications' dependencies in a storage component”.

The specification does not contain subject matter to implement limitations, “dependencies among applications”, as cited in claims 16 and 22. Also, page 7, lines 10 – 26 of the specification, clearly states, “an application programming interface (API) dependency module services application dependency information requests concerning certain objects that have dependencies upon a target object. The dependency information is generated in connection with an iterative collaboration process between the system and applications. As a result of the collaboration process, applications can communicate their external dependencies to a common software agent, thereby maintaining a table or list of information relating to applications' dependencies in a storage component”.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

10. Claims 1, 9, 11, 12, 16, 17, 22, 23, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations, “said dependency information”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “dependency information” (at least one applications state dependency information, application’s state dependency information

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among applications) exist in the claim, it is not clear which “dependency information” is referred by the limitations in the claim.

Claim 9 recites the limitations, “said at least one application’s external dependencies”.

There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitations, “said API protocol”. There is insufficient antecedent basis for this limitation in the claim.

Claims 12 and 26 recite the limitations, “said application”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “applications” exist in the claim, it is not clear which “application” is referred by the limitations in the claim.

Claim 16 recites the limitations, “said application’s state”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “applications” exist in the claim, it is not clear which “application” is referred by the limitations in the claim.

Claims 17 and 23 recite the limitations, “said information”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “information” exist in the claim, it is not clear which “information” is referred by the limitations in the claim.

Claim 22 recites the limitations, “at least one said application”, “said application’s state”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “applications” exist in the claim, it is not clear which “application” is referred by the limitations in the claim.

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-9, 12, 13, 16-20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lomet et al. 5,870,763 (Hereinafter Lomet) in view of Van Huben et al., 5,920,873, IBM (Hereinafter Van-IBM) with the teachings of Daminin et al., 5,938,775, AT&T (Hereinafter Damani-AT&T).

13. As per claim 1, Lomet teaches the following:

a method for utilizing application's state dependency information (e.g., col., 6, lines 41 – 58) to efficiently perform a backup service operation (e.g., col., 7, lines 6 – 26) in a computer system (e.g., col. 5, lines 31 – 46), comprising the acts of:

registering applications (e.g., col., 6, lines 3 – 26) loaded in said computer system (e.g., col. 5, lines 31 – 46) with a software module (e.g., col., 34, lines 21 – 47) for communications of application's state dependency (e.g., col., 6, lines 41 – 58) information among objects (e.g., col., 6, lines 32 – 45), a common software agent (e.g., col., 5, lines 60 – 67), a storage component (e.g., col., 6, lines 41 – 56) utilized by said agent (e.g., col., 5, lines 60 – 67) and a backup service (e.g., col., 5, lines 40 – 51),

storing in said storage component (e.g., col., 6, lines 41 – 56) at least one applications state dependency information (e.g., col., 6, lines 41 – 58) and

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communicating said dependency information (e.g., col., 6, lines 41 – 58) from said storage component (e.g., col., 6, lines 41 – 56) to said backup service (e.g., col., 5, lines 40 – 51).

However Lomet does not specifically mention about usage of application programming interface (API).

Van-IBM discloses the well-known concept of using application programming interface, API (e.g., paragraph 787).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lomet with the teachings of Van-IBM in order to facilitate using application programming interface (API) because the API would support providing software modules. The software modules would help handle information for the system.

Lomet and Van-IBM do not specifically mention about dependency among applications.

Damani-AT&T discloses the concept of handling dependency among applications (e.g., usage of transitive dependency tracking, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lomet and Van-IBM with the teachings of Damani-AT&T in order to facilitate dependency among applications because the dependency would enhance supporting information between applications. The software modules of the system would utilize the dependency information.

14. As per claim 2, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said backup service includes a snapshot service (e.g., col., 11, lines 60 - 66).

15. As per claim 3, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said backup service includes a determination of an application freeze order (e.g., col.6, lines 41-49).

16. As per claim 4, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said backup service includes an execution of the freezing of applications in the order reflected by the determined application freeze order (e.g., col. 17, lines 3-42).

17. As per claim 5, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

loading the software module into said computer system (e.g., col. 19, lines 9-34).

18. As per claim 6, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said backup service requesting a set of application dependency information from a common software agent for use in connection with the restore operation (e.g., col. 31, lines 32-46).

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19. As per claim 7, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said set of application dependency information is the minimum set of information from said storage component for successfully completing the restore operation (e.g., col. 31, lines 32-46).

20. As per claim 8, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said agent issuing a request to at least one registered application for information from said set of application dependency information requested by the service (e.g., col. 33, lines 6-42).

21. As per claim 9, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

at least one registered application communicating information to said agent in response to a request by said agent (e.g., col. 12, lines 59-65, figure 5), said information relating to said at least one application's external dependencies (e.g., col. 19, lines 8-14, figure 12).

22. As per claim 12, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said agent stores said application dependency information in a tabular format reflective of hierarchical application dependencies in said storage component (e.g., col. 18, lines 4-28, also Van-IBM, abstract).

23. As per claim 13, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

a computer-readable medium having executable instructions for instructing a client computer to perform the acts of the method (e.g., figure 3).

24. As per claim 16, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

in response to a request by a service (e.g., col. 31, lines 32-46) and thereafter delivers said application's state dependency information to said service for further processing by said service (e.g., col., 11, lines 60 - 66).

25. As per claim 17, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

the service to which said agent delivers said information is a backup service (e.g., col., 7, lines 6 - 26).

26. As per claim 18, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said service includes a snapshot service (e.g., col., 11, lines 60 - 66).

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27. As per claim 19, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said service includes a determination of an application freeze order (e.g., col.6, lines 41-49).

28. As per claim 20, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said agent stores said application dependency information in a tabular format reflective of hierarchical application dependencies in a storage component (e.g., col. 18, lines 4-28, also Van-IBM, abstract).

29. As per claim 22, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

a computer system (e.g., abstract), comprising:

a plurality of applications loaded in said system (e.g., col. 6, lines 2-38), wherein at least one application has at least one external data dependency associated therewith (e.g., col. 19, lines 8-14, figure 12),

a storage component for storing application dependency information (e.g., col. 6, lines 50-60);

an agent (e.g., col., 5, lines 60 – 67) that functions in said system (e.g., col. 12, lines 43-50) for processing said application's dependency information (e.g., col., 6, lines 41 – 58), communicated to the software module from said agent (e.g., col. 12, lines 43-50) and for storing

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the application state dependency information in said storage component (e.g., col., 6, lines 41 – 56) and

a service for making requests (e.g., col. 31, lines 32-46) to said agent for a set of application dependency information (e.g., col., 6, lines 41 – 58), wherein said agent collects (e.g., (e.g., col., 5, lines 40 – 51), stores (e.g., col., 6, lines 41 – 56) and packages (e.g., col., 6, lines 32 – 45) said application dependency information (e.g., col., 6, lines 41 – 58) in response to a request by said service (e.g., col. 19, lines 8-14, figure 12) and delivers said set of application state dependency information (e.g., col., 6, lines 41 – 58) to said service for further processing by said service (e.g., col. 31, lines 32-46).

30. As per claim 23, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

the service to which said agent delivers said information is a backup service (e.g., col., 7, lines 6 – 26).

31. As per claim 24, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said service includes a snapshot service (e.g., col., 11, lines 60 - 66).

32. As per claim 25, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

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said service includes a determination of an application freeze order (e.g., col.6, lines 41-49).

33. As per claim 26, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said agent stores said application dependency information in a tabular format reflective of hierarchical application dependencies in a storage component (e.g., col. 18, lines 4-28, also Van-IBM, abstract).

34. As per claim 27, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. Lomet also teaches the following:

said set of application dependency information is the minimum set of information from said storage component for successfully completing the service (e.g., col. 31, lines 32-46).

35. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lomet, Van-IBM and Damani-AT&T in view of "Official Notice".

36. As per claim 10, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. However, Lomet, Van-IBM and Damani-AT&T do not specifically mention about unregistering an application. "Official Notice" is taken that both the concept and advantages of unregistering an application is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include unregistering an application with the teachings of Lomet, Van-IBM and

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Damani-AT&T in order to facilitate unregistering an application because the unregistering would support deregistration of the application. The deregistered application would no longer be used by the system until the application is registered again.

37. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lomet, Van-IBM and Damani-AT&T in view of Lewis 6,513,019.

38. As per claim 11, Lomet, Van-IBM and Damani-AT&T disclose the claimed limitations as rejected above. However, Lomet, Van-IBM and Damani-AT&T do not specifically mention about using XML protocol.

Lewis discloses said API protocol is XML protocol (e.g., paragraph 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lomet, Van-IBM and Damani-AT&T with the teachings of Lewis in order to facilitate usage of XML protocol because the XML protocol would provide a web standard common middleware layer in a communication stack at the API level between objects.

Conclusion

39. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

August 16, 2005

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100